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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,433	01/05/2001	Eric Wong	60001.0029US01	4759

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EXAMINER

LE, DAVID Q

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,433

Applicant(s)

WONG ET AL.

Examiner

David Q Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed inventions.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-19** are rejected under 35 U.S.C. 102(b) as being anticipated by **Schneck et al**, US Patent No 5,933,498.

As per **claims 1 and 11**.

Schneck discloses

A method for restricting the installation of a software product (Abstract; Summary of the Invention), the method comprising the steps of:

generating an installer identifier (Fig 1-3; associated text; Fig 3: Items 127, 128, 130: "Version Number 127; Authentication 128; License Number of these Rules 130);

comparing the generated installer identifier to a stored installer identifier (above citations; Fig 10(a-b); Col 17-20: "The Accessing Operation");

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storing a license in response to a match between the generated installer identifier and the stored installer identifier (Fig 11; associated text; Col 22, L51 – C24, L38; Schneck's "Rules" are equivalent to applicant's "license"); and

enabling a complete installation [and execution – claim 11] of the software product, in response to a match between the generated installer identifier and stored installer identifier (all above citations; Col 30, L6-47);

whereby the license file can be subsequent accessed to enable the execution of the completely installed software product (same citation as above).

As per claims 2 and 12

Schneck discloses all the limitations of claims 1 and 11.

He further discloses

A computer readable medium having stored thereon computer-executable instructions for performing the method of claims 1 and 11 (Col 7, L27-34).

As per claims 3 and 13

Schneck discloses all the limitations of claims 1 and 11.

He further discloses the generated installer identifier represent a characteristic of the software product (Fig 3; associated text; Col 10, L59 – Col 11, L43).

As per claims 4 and 14

Schneck discloses all the limitations of claims 3 and 13.

He further discloses

the generated installer identifier represents a characteristic of a software product media on which the software product is stored (same citations as above).

As per claims 5 and 15

Schneck discloses all the limitations of claims 4 and 14.

He further discloses

the generated installer identifier represents a characteristic of a file list corresponding to the software product media (same citations as above).

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As per **claims 6 and 16**

Schneck discloses all the limitations of claims 5 and 15.

He further discloses

the generated installer identifier is a hash value representing the characteristic of the file list corresponding to the software product media (Fig 3, "Authentication (hash) 128").

As per **claims 7 and 17**

Schneck discloses all the limitations of claims 1 and 11.

He further discloses

receiving a software product key (Fig 5; associated text; Col 12, L1-65).

As per **claims 8 and 18**

Schneck discloses all the limitations of claims 7 and 17.

He further discloses

installing at least one run-time file associated with the software product, in response to a determination that the received software product key is a correct software product key (Col 18, L52-61; Col 34, L14-28).

As per **claim 9**

Schneck discloses all the limitations of claim 1.

He further discloses

executing a set-up program (Col 30, L5-28).

As per **claims 10 and 19**

Schneck discloses all the limitations of claims 1 and 11.

He further discloses

the license file is stored in a hardware signature file (Col 7, L63 – Col 8, L5; Col 12, L1-16).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DQL



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